

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-CR-88

BRIAN M. SMITS,

Defendant.

ORDER DENYING MOTION TO MODIFY CONDITIONS

Defendant Brian Smits has requested that the conditions of supervision be modified so that he is not required to attend in-patient AODA treatment for up to 60 days upon his release from imprisonment. The motion will be denied.

Both the Government and his probation officer have responded, noting that professionals are agreed that Mr. Smits has a severe drug and alcohol problem and his need for treatment is high. While he has undertaken some treatment while in prison and in a residential reentry center, in-patient treatment will be on a different magnitude and will concentrate much more heavily on Smits need to remain free of substance abuse. Smits argues that he should be relieved from this condition so that he can attend to his family and move on with his life. It is clear, however, that in order for Smits to be of any value to himself or his family, he will have to get control of his substance abuse problem. Fulfilling this requirement will help him to do so. Accordingly, the motion for modification is denied.

Dated this 25th day of August, 2011.

s/ William C. Griesbach

William C. Griesbach

United States District Judge